

09/701707

414 ~~00~~ d PCT/PTO 28 NOV 2000

Practitioner's Docket No. 576.02-US

**CHAPTER II**

**TRANSMITTAL LETTER  
TO THE UNITED STATES ELECTED OFFICE (EO/US)  
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

|                                  |                           |                                      |
|----------------------------------|---------------------------|--------------------------------------|
| PCT/US99/11693                   | 26 May 1999 (26.05.99)    | 28 May 1998 (28.05.98)               |
| International Application Number | International Filing Date | International Earliest Priority Date |

TITLE OF INVENTION: OPTICAL METHOD AND APPARATUS FOR DETERMINING FERTILITY STATUS

APPLICANT(S): Duo Management International, LLC; MOON, Margaret E.; VAUGHAN, Sheila C. and RAFFENSPERGER, Susan M.

**Box PCT**  
**Assistant Commissioner for Patents**  
**Washington D.C. 20231**  
**ATTENTION: EO/US**

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. section 371:

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**CERTIFICATION UNDER 37 C.F.R. section 1.10\***

*(Express Mail label number is mandatory.)*

*(Express Mail certification is optional.)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date **November 28, 2000**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL605629275US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.



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Kristin J. Azcona

**WARNING:** *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

**\*WARNING:** *Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).*  
*"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

a. This express request to immediately begin national examination procedures (35 U.S.C. section 371(f)).

2. Fees

| CLAIMS FEE* | (1) FOR   | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE    | (5) CALCULATIONS            |
|-------------|---|------------------|------------------|-------------|-----------------------------|
|             | TOTAL CLAIMS  | 14 -20 =         | 0                | x \$18.00 = | \$0.00                      |
|             | INDEPENDENT CLAIMS  | 1 - 3 =          | 0                | x \$78.00 = | \$0.00                      |
|             | MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$260   |                  |                  |             |                             |
|             | Claims meet PCT Article 33 (1)-(4) – IPEA - US  |                  |                  |             |                             |
|             | Total of above Calculations   |                  |                  |             |                             |
|             | Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed (note 37 CFR 1.9, 1.27, 1.28).                    |                  |                  |             |                             |
|             | Subtotal  |                  |                  |             |                             |
|             | Total National Fee  |                  |                  |             |                             |
|             | Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item below). See attached "ASSIGNMENT COVER SHEET". |                  |                  |             |                             |
| TOTAL       |   |                  |                  |             | Total Fees enclosed \$50.00 |

3. A copy of the International application as filed (35 U.S.C. section 371(c)(2)) is not required, as the application was filed with the United States Receiving Office.

4. A translation of the International application into the English language (35 U.S.C. section 371(c)(2)) is not required as the application was filed in English.

5. Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. section 371(c)(3)) are transmitted herewith.

6. A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. section 371(c)(3)) is not required as the amendments were made in the English language.

7. A copy of the international examination report (PCT/IPEA/409) is not required as the application was filed with the United States Receiving Office.

8. Annex(es) to the international preliminary examination report is/are not required as the application was filed with the United States Receiving Office.

TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE

414 Rec'd PCT/PTO 28 NOV 2000

Date  
International Application  
Attorney Docket No.

09/701707

576.02-PCT

I. Certification under 37 CFR 1.10 (if applicable)

EL315365694US

Express Mail mailing number

26 May 1999

Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of person mailing correspondence

Rebecca Waian

Typed or printed name of person mailing correspondence

II.  New International Application

TITLE OPTICAL METHOD AND APPARATUS FOR DETERMINING  
FERTILITY STATUS

Earliest priority date  
(Day/Mon/Year)

28 May 1998 (28.05.98)

SCREENING DISCLOSURE INFORMATION: In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

A.  The invention disclosed was not made in the United States.  
 B.  There is no prior U.S. application relating to this invention.  
 C.  The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)

**COPY**

|                 |            |          |                        |
|-----------------|------------|----------|------------------------|
| application no. | 60/086,987 | filed on | 28 May 1998 (28.05.98) |
| application no. |            | filed on |                        |

D.  The present international application  contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages  and  DOES NOT ALTER  MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

III.  A Response to an Invitation from the RO/US. The following document(s) is(are) enclosed:

A.  A Request for An Extension of Time to File a Response  
 B.  A Power of Attorney (General or Regular)  
 C.  Replacement pages:

|       |                             |       |                 |
|-------|-----------------------------|-------|-----------------|
| pages | of the request (PCT/RO/101) | pages | of the figures  |
| pages | of the description          | pages | of the abstract |
| pages | of the claims               |       |                 |

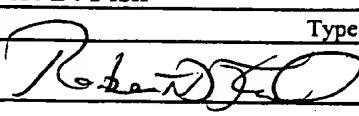
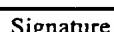
D.  Submission of Priority Documents

|                   |                   |
|-------------------|-------------------|
| Priority document | Priority document |
|-------------------|-------------------|

E.  Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

IV.  A Request for Rectification under PCT 91     A Petition     A Sequence Listing Diskette

V.  Other (please specify):

|  |   |
|--|---|
| <input type="checkbox"/> Applicant                                     | Robert D. Fish  |
| <input checked="" type="checkbox"/> Attorney/Agent (Reg. No.)<br>33880 | Typed name of signer<br> |
| <input type="checkbox"/> Common Representative                         | Signature<br>           |

The person  
signing this  
form is the:

Attorney's Docket No. 576.02-PCT

## IN THE INTERNATIONAL BUREAU OF WIPO

| International Application Number | International Filing Date | Earliest International Priority Date Claimed |
|----------------------------------|---------------------------|--|
| PCT/US 99/11693                  | 26 May 1999               | 28 May 1998                                  |

Title Of Invention: Optical Method and Apparatus for Determining Fertility Status

Applicant(s): Duo Management International, LLC

International Bureau of WIPO  
34, chenin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No: +41-22-910-06-10

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the International Bureau of WIPO at +41-22-910-06-10 on the date shown below.

VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
(INTERNATIONAL APPLICATION (37 CFR 1.10(c))

I hereby declare that I deposited, with the United States Postal Service, in an envelope "Express Mail, Post Office to Addressee," bearing Label Number EL315366173US, addressed to "International Bureau of WIPO, 34, chenin des Colombettes, 1211 Geneva 20, Switzerland, and having an express mail certification that I executed, the following papers:

## Response to Search Report (5 Sheets), Substitute Claims (1 Sheets)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 11/21/00  
Kristin L. Jonkman